

By: Aycock, Deshotel, J. Davis of Harris,
Villarreal, Callegari, et al.

H.B. No. 5

Substitute the following for H.B. No. 5:

By: Allen

C.S.H.B. No. 5

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability, including assessment,
and curriculum requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Section 7.062(e), Education Code, is amended
to read as follows:

(e) The rules must:

(1) limit the amount of assistance provided through a
grant to not more than:

(A) for a construction project, \$200 per square
foot of the science laboratory to be constructed; or

(B) for a renovation project, \$100 per square
foot of the science laboratory to be renovated;

(2) require a school district to demonstrate, as a
condition of eligibility for a grant, that the existing district
science laboratories are insufficient in number to comply with the
curriculum requirements imposed for the foundation [~~recommended~~
~~and advanced~~] high school program [~~programs~~] under Section 28.025
[~~28.025(b-1)(1)~~]; and

(3) provide for ranking school districts that apply
for grants on the basis of wealth per student and giving priority in
the award of grants to districts with low wealth per student.

(b) This section applies beginning with the 2014-2015
school year.

1 SECTION 2. (a) Section 28.002(f), Education Code, is
2 amended to read as follows:

3 (f) A school district may offer courses for local credit in
4 addition to those in the required curriculum. The State Board of
5 Education shall be flexible in approving a course for credit for
6 high school graduation under this subsection. A district may also
7 offer courses approved by the board of trustees for local credit
8 without obtaining State Board of Education approval if:

9 (1) the district develops a program under which the
10 district partners with a public or private institution of higher
11 education and local business and community leaders to develop and
12 provide the courses; and

13 (2) the courses prepare students to enter:

14 (A) a career or technology training program in
15 the district's region of the state; or

16 (B) an institution of higher education without
17 remediation.

18 (b) This section applies beginning with the 2014-2015
19 school year.

20 SECTION 3. (a) Sections 28.014(a), (c), and (f), Education
21 Code, are amended to read as follows:

22 (a) The commissioner of education and the commissioner of
23 higher education shall develop and recommend to the State Board of
24 Education for adoption under Section 28.002 the essential knowledge
25 and skills of courses in college preparatory mathematics, science,
26 social studies, and English language arts. The courses must be
27 designed:

1 (1) for students at the 12th grade level who do not
2 meet college readiness standards on an end-of-course assessment
3 instrument required under Section 39.023(c) or an end-of-course
4 assessment instrument adopted under Section 39.023(c-2); and

5 (2) to prepare students for success in entry-level
6 college courses.

7 (c) The agency, in consultation with the Texas Higher
8 Education Coordinating Board, shall adopt an end-of-course
9 assessment instrument for each course developed under this section
10 to ensure the rigor of the course. A school district shall, in
11 accordance with State Board of Education rules, administer the
12 end-of-course assessment instrument to a student enrolled in a
13 course developed under this section. A ~~Each~~ school district may
14 ~~shall~~ adopt a policy that requires a student's performance on the
15 end-of-course assessment instrument to be considered in
16 determining ~~[account for 15 percent of]~~ the student's final grade
17 for the course. ~~[A student's performance on an end-of-course~~
18 ~~assessment instrument administered under this subsection may be~~
19 ~~used, on a scale of 0-40, in calculating whether the student~~
20 ~~satisfies the graduation requirements established under Section~~
21 ~~39.025.]~~

22 (f) To the extent applicable, the commissioner shall draw
23 from curricula and instructional materials developed under Section
24 ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related
25 instructional materials under this section. Not later than
26 September 1, 2010, the State Board of Education shall adopt
27 essential knowledge and skills for each course developed under this

1 section. The State Board of Education shall make each course
2 developed under this section and the related instructional
3 materials available to school districts not later than the
4 2014-2015 school year. [~~As required by Subsection (c), a school~~
5 ~~district shall adopt a policy requiring a student's performance on~~
6 ~~an end-of-course assessment instrument administered under that~~
7 ~~subsection to account for 15 percent of the student's grade for a~~
8 ~~course developed under this section not later than the 2014-2015~~
9 ~~school year.~~] This subsection expires September 1, 2015.

10 (b) This section applies beginning with the 2013-2014
11 school year.

12 SECTION 4. (a) Section 28.014(b), Education Code, is
13 amended to read as follows:

14 (b) A student who successfully completes a course developed
15 under this section may use the credit earned in the course toward
16 satisfying the applicable mathematics or science curriculum
17 requirement for the foundation [~~recommended or advanced~~] high
18 school program under Section 28.025.

19 (b) This section applies beginning with the 2014-2015
20 school year.

21 SECTION 5. (a) Section 28.025, Education Code, is amended
22 by amending Subsections (a), (b), (b-1), (b-2), (b-3), (b-4),
23 (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections
24 (b-12), (b-13), (b-14), (c-1), (c-2), (c-3), (e-1), (h), and (h-1)
25 to read as follows:

26 (a) The State Board of Education by rule shall determine
27 curriculum requirements for the foundation [~~minimum, recommended,~~

1 ~~and advanced~~] high school program [~~programs~~] that are consistent
 2 with the required curriculum under Section 28.002. The [~~Subject to~~
 3 ~~Subsection (b-1), the~~] State Board of Education shall designate the
 4 specific courses in the foundation curriculum under Section
 5 28.002(a)(1) required under [~~for a student participating in~~] the
 6 foundation [~~minimum, recommended, or advanced~~] high school
 7 program. Except as provided by this section [~~Subsection (b-1)~~],
 8 the State Board of Education may not designate a specific course or
 9 a specific number of credits in the enrichment curriculum as
 10 requirements for the [~~recommended~~] program.

11 (b) A school district shall ensure that each student enrolls
 12 in the courses necessary to complete the curriculum requirements
 13 identified by the State Board of Education under Subsection (a) for
 14 the foundation [~~recommended or advanced~~] high school program
 15 [~~unless the student, the student's parent or other person standing~~
 16 ~~in parental relation to the student, and a school counselor or~~
 17 ~~school administrator agree in writing signed by each party that the~~
 18 ~~student should be permitted to take courses under the minimum high~~
 19 ~~school program and the student:~~

20 [~~(1) is at least 16 years of age,~~

21 [~~(2) has completed two credits required for graduation~~
 22 ~~in each subject of the foundation curriculum under Section~~
 23 ~~28.002(a)(1), or~~

24 [~~(3) has failed to be promoted to the tenth grade one~~
 25 ~~or more times as determined by the school district].~~

26 (b-1) The State Board of Education by rule shall require
 27 that [+]

1 ~~[(1) except as provided by Subsection (b-2),]~~ the
2 curriculum requirements for the foundation ~~[recommended and~~
3 ~~advanced]~~ high school program ~~[programs]~~ under Subsection (a)
4 include a requirement that students successfully complete:

5 (1) ~~[(A)]~~ four credits in English language arts ~~[each~~
6 ~~subject of the foundation curriculum]~~ under Section
7 28.002(a)(1)(A), including one credit in English I, one credit in
8 English II, one credit in English III, and one credit in an advanced
9 English course authorized under Subsection (b-2);

10 (2) three credits in mathematics under Section
11 28.002(a)(1)(B), including one credit in Algebra I, one credit in
12 geometry, and one credit in any advanced mathematics course
13 authorized under Subsection (b-2);

14 (3) three credits in science under Section
15 28.002(a)(1)(C), including one credit in biology, one credit in any
16 advanced science course authorized under Subsection (b-2), and one
17 credit in integrated physics and chemistry or in an additional
18 advanced science course authorized under Subsection (b-2);

19 (4) three credits in social studies under Section
20 28.002(a)(1)(D) ~~[28.002(a)(1)]~~, including one credit in United
21 States history, at least one-half credit in government and at least
22 one-half credit in economics, and one credit in world geography or
23 world history ~~[to meet the social studies requirement];~~

24 (5) except as provided under Subsections (b-12) and
25 (b-13) ~~[(B) for the recommended high school program]~~, two credits
26 in the same language in a language other than English under Section
27 28.002(a)(2)(A) ~~[and, for the advanced high school program, three~~

1 ~~credits in the same language in a language other than English under~~
2 ~~Section 28.002(a)(2)(A)]; [and]~~

3 (6) seven [~~(C) for the recommended high school~~
4 ~~program, six]~~ elective credits [~~and, for the advanced high school~~
5 ~~program, five elective credits];~~

6 (7) [~~(2) one or more credits offered in the required~~
7 ~~curriculum for the recommended and advanced high school programs~~
8 ~~include a research writing component; and~~

9 [~~(3) the curriculum requirements for the minimum,~~
10 ~~recommended, and advanced high school programs under Subsection (a)~~
11 ~~include a requirement that students successfully complete:~~

12 [~~(A)] one credit in fine arts under Section~~

13 28.002(a)(2)(D); and

14 (8) [~~(B)] except as provided by Subsection (b-11), one~~

15 credit in physical education under Section 28.002(a)(2)(C).

16 (b-2) In adopting rules under Subsection (b-1), the State

17 Board of Education shall provide for [~~allow~~] a student to comply

18 with the curriculum requirements for an advanced English course

19 under Subsection (b-1)(1) taken after successful completion of

20 English I, English II, and English III, for an advanced [~~a~~]

21 mathematics course under Subsection (b-1)(2) [~~(b-1)(1)] taken~~

22 after the successful completion of Algebra I and geometry, and for

23 any advanced [~~either after the successful completion of or~~

24 ~~concurrently with Algebra II or a]~~ science course under Subsection

25 (b-1)(3) [~~(b-1)(1) taken after the successful completion of biology~~

26 ~~and chemistry and either after the successful completion of or~~

27 ~~concurrently with physics]~~ by successfully completing a course in

1 the appropriate content area that has been approved as an advanced
2 course by board rule or that is offered as an advanced course for
3 local credit without board approval as provided by Section
4 28.002(f) [~~career and technical course designated by the State~~
5 ~~Board of Education as containing substantively similar and rigorous~~
6 ~~academic content. A student may use the option provided by this~~
7 ~~subsection for not more than two courses].~~

8 (b-3) In adopting rules for purposes of Subsection (b-2) [~~to~~
9 ~~provide students with the option described by Subsection~~
10 ~~(b-1)(1)(A)]~~, the State Board of Education must approve a variety
11 of advanced English, mathematics, and science courses that may be
12 taken [~~after the completion of Algebra II and physics~~] to comply
13 with the foundation high school [~~recommended~~] program
14 requirements.

15 (b-4) A school district may offer the curriculum described
16 in Subsections (b-1)(1) through (4) [~~Subsection (b-1)(1)(A)]~~ in an
17 applied manner. Courses delivered in an applied manner must cover
18 the essential knowledge and skills, and the student shall be
19 administered the applicable end-of-course assessment instrument as
20 provided by Sections 39.023(c) and 39.025.

21 (b-5) A school district may offer a mathematics or science
22 course to be taken by a student after completion of Algebra II and
23 physics [~~to comply with the recommended program requirements in~~
24 ~~Subsection (b-1)(1)(A)]~~. A course approved under this subsection
25 must be endorsed by an institution of higher education as a course
26 for which the institution would award course credit or as a
27 prerequisite for a course for which the institution would award

1 course credit.

2 (b-7) The State Board of Education, in coordination with the
3 Texas Higher Education Coordinating Board, shall adopt rules to
4 ensure that a student may comply with the curriculum requirements
5 under the foundation [~~minimum, recommended, or advanced~~] high
6 school program for each subject of the foundation curriculum under
7 Section 28.002(a)(1) and for languages other than English under
8 Section 28.002(a)(2)(A) by successfully completing appropriate
9 courses in the core curriculum of an institution of higher
10 education under Section 61.822.

11 (b-9) A [~~The agency shall establish a pilot program allowing~~
12 ~~a] student may [attending school in a county with a population of~~
13 ~~more than one million and in which more than 75 percent of the~~
14 ~~population resides in a single municipality to]~~ satisfy the fine
15 arts credit required under Subsection (b-1)(7) [~~(b-1)(3)(A)~~] by
16 participating in a fine arts program not provided by the school
17 district in which the student is enrolled. The fine arts program
18 may be provided on or off a school campus and outside the regular
19 school day. [~~Not later than December 1, 2010, the agency shall~~
20 ~~provide to the legislature a report regarding the pilot program,~~
21 ~~including the feasibility of expanding the pilot program~~
22 ~~statewide.~~]

23 (b-10) A school district, with the approval of the
24 commissioner, may allow a student to comply with the curriculum
25 requirements for the physical education credit required under
26 Subsection (b-1)(8) [~~(b-1)(3)(B)~~] by participating in a private or
27 commercially sponsored physical activity program provided on or off

1 a school campus and outside the regular school day.

2 (b-11) In adopting rules under Subsection (b-1), the State
3 Board of Education shall allow a student who is unable to
4 participate in physical activity due to disability or illness to
5 substitute one credit in English language arts, mathematics,
6 science, or social studies, one credit in a course that is offered
7 for local credit as provided by Section 28.002(f), or one academic
8 elective credit for the physical education credit required under
9 Subsection (b-1)(8) [~~(b-1)(3)(B)~~]. A credit allowed to be
10 substituted under this subsection may not also be used by the
11 student to satisfy a graduation requirement other than completion
12 of the physical education credit. The rules must provide that the
13 determination regarding a student's ability to participate in
14 physical activity will be made by:

15 (1) if the student receives special education services
16 under Subchapter A, Chapter 29, the student's admission, review,
17 and dismissal committee;

18 (2) if the student does not receive special education
19 services under Subchapter A, Chapter 29, but is covered by Section
20 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
21 committee established for the student under that Act; or

22 (3) if each of the committees described by
23 Subdivisions (1) and (2) is inapplicable, a committee established
24 by the school district of persons with appropriate knowledge
25 regarding the student.

26 (b-12) In adopting rules under Subsection (b-1), the State
27 Board of Education shall adopt criteria to allow a student to comply

1 with the curriculum requirements for the two credits in a language
2 other than English required under Subsection (b-1)(5) by
3 substituting two credits in computer programming languages.

4 (b-13) In adopting rules under Subsection (b-1), the State
5 Board of Education shall adopt criteria to allow a student in a
6 special education program under Subchapter A, Chapter 29, to comply
7 with the curriculum requirements for two credits in a language
8 other than English required under Subsection (b-1)(5) by
9 substituting credits in English language arts, mathematics,
10 science, or social studies or career and technology or another
11 academic elective credit. A credit allowed to be substituted under
12 this subsection may not also be used by the student to satisfy a
13 graduation requirement other than completion of the language other
14 than English requirement.

15 (b-14) A student may earn a distinguished level of
16 achievement under the foundation high school program by
17 successfully completing:

18 (1) four credits in mathematics, which must include
19 Algebra II and the courses described by Subsection (b-1)(2);

20 (2) four credits in science, which must include the
21 courses described by Subsection (b-1)(3);

22 (3) the remaining curriculum requirements under
23 Subsection (b-1); and

24 (4) the curriculum requirements for at least one
25 endorsement under Subsection (c-1).

26 (c-1) A student may earn an endorsement on the student's
27 diploma and transcript by successfully completing curriculum

1 requirements for that endorsement adopted by the State Board of
2 Education by rule. An endorsement under this subsection may be
3 earned in any of the following categories:

4 (1) science, technology, engineering, and mathematics
5 (STEM), which includes courses directly related to science,
6 including environmental science, technology, including computer
7 science, engineering, and advanced mathematics;

8 (2) business and industry, which includes courses
9 directly related to database management, information technology,
10 communications, accounting, finance, marketing, graphic design,
11 architecture, construction, welding, logistics, automotive
12 technology, agricultural science, and heating, ventilation, and
13 air conditioning;

14 (3) public services, which includes courses directly
15 related to health sciences and occupations, education and training,
16 law enforcement, and culinary arts and hospitality;

17 (4) arts and humanities, which includes courses
18 directly related to political science, world languages, cultural
19 studies, English literature, history, and fine arts; and

20 (5) multidisciplinary studies, which allows a student
21 to select courses from the curriculum of each endorsement area
22 described by Subdivisions (1) through (4).

23 (c-2) In adopting rules under Subsection (c-1), the State
24 Board of Education shall develop the curriculum requirements for
25 each endorsement with the direct participation of educators and
26 business and industry representatives.

27 (c-3) A student may earn a performance acknowledgment on the

1 student's diploma and transcript by satisfying the requirements for
2 that acknowledgment adopted by the State Board of Education by
3 rule. An acknowledgment under this subsection may be earned:

4 (1) for outstanding performance:

5 (A) in a dual credit course;

6 (B) on a college advanced placement test or
7 international baccalaureate examination; or

8 (C) on the PSAT, the ACT-Plan, the SAT, or the
9 ACT; or

10 (2) for earning a nationally or internationally
11 recognized business or industry certification or license.

12 (e) Each school district shall report the academic
13 achievement record of students who have completed the foundation [~~a~~
14 ~~minimum, recommended, or advanced~~] high school program on
15 transcript forms adopted by the State Board of Education. The
16 transcript forms adopted by the board must be designed to clearly
17 [~~differentiate between each of the high school programs and~~]
18 identify whether a student received a diploma or a certificate of
19 coursework completion.

20 (e-1) A school district shall clearly indicate a
21 distinguished level of achievement under the foundation high school
22 program as described by Subsection (b-14), an endorsement described
23 by Subsection (c-1), and a performance acknowledgment described by
24 Subsection (c-3) on the diploma and transcript of a student who
25 satisfies the applicable requirements. The State Board of
26 Education shall adopt rules as necessary to administer this
27 subsection.

1 (h) The commissioner by rule shall adopt a transition plan
2 to implement and administer the amendments made by __. B. No. __,
3 83rd Legislature, Regular Session, 2013, replacing the minimum,
4 recommended, and advanced high school programs with the foundation
5 high school program beginning with the 2014-2015 school year.
6 Under the transition plan, a student who entered the ninth grade
7 before the 2014-2015 school year must be permitted to complete the
8 curriculum requirements required for high school graduation under:

9 (1) the foundation high school program, if the student
10 chooses during the 2014-2015 school year to take courses under this
11 program;

12 (2) the minimum high school program, as that program
13 existed before the adoption of __.B. No. __, 83rd Legislature,
14 Regular Session, 2013, if the student was participating in that
15 program before the 2014-2015 school year;

16 (3) the recommended high school program, as that
17 program existed before the adoption of __.B. No. __, 83rd
18 Legislature, Regular Session, 2013, if the student was
19 participating in that program before the 2014-2015 school year; or

20 (4) the advanced high school program, as that program
21 existed before the adoption of __.B. No. __, 83rd Legislature,
22 Regular Session, 2013, if the student was participating in that
23 program before the 2014-2015 school year.

24 (h-1) This subsection and Subsection (h) expire September
25 1, 2018.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 6. (a) Section 28.0253(e), Education Code, is
2 amended to read as follows:

3 (e) A student who receives a high school diploma through the
4 pilot program is considered to have completed the foundation
5 ~~[recommended]~~ high school program adopted under Section 28.025
6 ~~[28.025(a)]~~. The student is not guaranteed admission to any
7 institution of higher education or to any academic program at an
8 institution of higher education solely on the basis of having
9 received the diploma through the program.

10 (b) This section applies beginning with the 2014-2015
11 school year.

12 SECTION 7. (a) Section 28.027(b), Education Code, is
13 amended to read as follows:

14 (b) The State Board of Education shall establish a process
15 under which an applied STEM course may be reviewed and approved for
16 purposes of satisfying the mathematics and science curriculum
17 requirements for the foundation ~~[recommended]~~ high school program
18 ~~[imposed]~~ under Section 28.025 ~~[28.025(b-1)(1)(A)]~~ through
19 substitution of the applied STEM course for a specific mathematics
20 or science course otherwise authorized ~~[required]~~ under the
21 foundation ~~[recommended]~~ high school program ~~[and completed during~~
22 ~~the student's fourth year of mathematics or science course work]~~.
23 The State Board of Education may only approve a course to substitute
24 for a mathematics course taken after successful completion of
25 Algebra I and geometry ~~[and after successful completion of or~~
26 ~~concurrently with Algebra II]~~. The State Board of Education may
27 only approve a course to substitute for a science course taken after

1 successful completion of biology [~~and chemistry and after~~
2 ~~successful completion of or concurrently with physics~~].

3 (b) This section applies beginning with the 2014-2015
4 school year.

5 SECTION 8. (a) Section 29.0821(a), Education Code, is
6 amended to read as follows:

7 (a) A school district may provide a flexible year program
8 for students who did not or are likely not to perform successfully
9 on an assessment instrument administered under Section 39.023(a),
10 (c), or (1) [~~39.023~~] or who would not otherwise be promoted to the
11 next grade level.

12 (b) This section applies beginning with the 2013-2014
13 school year.

14 SECTION 9. (a) Section 29.096(e), Education Code, is
15 amended to read as follows:

16 (e) The commissioner shall establish minimum standards for
17 a local collaborative agreement, including a requirement that the
18 agreement must be signed by an authorized school district or
19 open-enrollment charter school officer and an authorized
20 representative of each of the other participating entities that is
21 a partner in the collaboration. The program must:

22 (1) limit participation in the program to students
23 authorized to participate by a parent or other person standing in
24 parental relationship;

25 (2) have as a primary goal graduation from high school
26 [~~under at least the recommended high school program~~];

27 (3) provide for local businesses or other employers to

1 offer paid employment or internship opportunities and advanced
2 career and vocational training;

3 (4) include an outreach component and a lead
4 educational staff member to identify and involve eligible students
5 and public and private entities in participating in the program;

6 (5) serve a population of students of which at least 50
7 percent are identified as students at risk of dropping out of
8 school, as described by Section 29.081(d);

9 (6) allocate not more than 15 percent of grant funds
10 and matching funds, as determined by the commissioner, to
11 administrative expenses;

12 (7) include matching funds from any of the
13 participating entities; and

14 (8) include any other requirements as determined by
15 the council.

16 (b) This section applies beginning with the 2014-2015
17 school year.

18 SECTION 10. (a) Section 29.402(b), Education Code, is
19 amended to read as follows:

20 (b) A person who is under 26 years of age is eligible to
21 enroll in a dropout recovery program under this subchapter if the
22 person:

23 (1) must complete not more than three course credits
24 to complete the curriculum requirements for the foundation
25 [~~minimum, recommended, or advanced~~] high school program[~~, as~~
26 ~~appropriate,~~] for high school graduation; or

27 (2) has failed to perform satisfactorily on an

1 end-of-course assessment instrument administered under Section
2 39.023(c) or an assessment instrument administered under Section
3 39.023(c) as that section existed before amendment by Chapter 1312
4 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

5 (b) This section applies beginning with the 2014-2015
6 school year.

7 SECTION 11. (a) Section 29.904(d), Education Code, is
8 amended to read as follows:

9 (d) A plan developed under this section:

10 (1) must establish clear, achievable goals for
11 increasing the percentage of the school district's graduating
12 seniors, particularly the graduating seniors attending a high
13 school described by Subsection (a), who enroll in an institution of
14 higher education for the academic year following graduation;

15 (2) must establish an accurate method of measuring
16 progress toward the goals established under Subdivision (1) that
17 may include the percentage of district high school students and the
18 percentage of students attending a district high school described
19 by Subsection (a) who:

20 (A) are enrolled in a course for which a student
21 may earn college credit, such as an advanced placement or
22 international baccalaureate course or a course offered through
23 concurrent enrollment in high school and at an institution of
24 higher education;

25 (B) are enrolled in courses that meet the
26 curriculum requirements for the distinguished level of achievement
27 under the foundation [~~recommended or advanced~~] high school program

1 as determined under Section 28.025;

2 (C) have submitted a free application for federal
3 student aid (FAFSA);

4 (D) are exempt under Section 51.3062(p) or (q)
5 from administration of an assessment instrument under Section
6 51.3062 or have performed successfully on an assessment instrument
7 under Section 51.3062;

8 (E) graduate from high school;

9 (F) graduate from an institution of higher
10 education; and

11 (G) have taken college entrance examinations and
12 the average score of those students on the examinations;

13 (3) must cover a period of at least five years; and

14 (4) may be directed at district students at any level
15 of primary or secondary education.

16 (b) This section applies beginning with the 2014-2015
17 school year.

18 SECTION 12. (a) Section 30A.110(b), Education Code, is
19 amended to read as follows:

20 (b) Each student enrolled under this chapter in an
21 electronic course offered through the state virtual school network
22 must take any assessment instrument under Section 39.023(a), (b),
23 (c), or (1) [~~39.023~~] that is administered to students who are
24 provided instruction in the course material in the traditional
25 classroom setting. The administration of the assessment instrument
26 to the student enrolled in the electronic course must be supervised
27 by a proctor.

1 (b) This section applies beginning with the 2013-2014
2 school year.

3 SECTION 13. (a) The heading to Section 33.007, Education
4 Code, is amended to read as follows:

5 Sec. 33.007. COUNSELING REGARDING POSTSECONDARY [~~HIGHER~~]
6 EDUCATION.

7 (b) This section takes effect beginning with the 2014-2015
8 school year.

9 SECTION 14. (a) Sections 33.007(a) and (b), Education
10 Code, are amended to read as follows:

11 (a) Each school counselor at an elementary, middle, or
12 junior high school, including an open-enrollment charter school
13 offering those grades, shall advise students and their parents or
14 guardians regarding the importance of postsecondary [~~higher~~]
15 education, coursework designed to prepare students for
16 postsecondary [~~higher~~] education, and financial aid availability
17 and requirements.

18 (b) During the first school year a student is enrolled in a
19 high school or at the high school level in an open-enrollment
20 charter school, and again during each [~~a student's senior~~] year of a
21 student's enrollment in high school or at the high school level, a
22 school counselor shall provide information about postsecondary
23 [~~higher~~] education to the student and the student's parent or
24 guardian. The information must include information regarding:

25 (1) the importance of postsecondary [~~higher~~]
26 education;

27 (2) the advantages of earning an endorsement and a

1 performance acknowledgment and completing the distinguished level
2 of achievement under the foundation [~~recommended or advanced~~] high
3 school program [~~adopted~~] under Section 28.025 [~~28.025(a)~~];

4 (3) the disadvantages of taking courses to prepare for
5 a high school equivalency examination relative to the benefits of
6 taking courses leading to a high school diploma;

7 (4) financial aid eligibility;

8 (5) instruction on how to apply for federal financial
9 aid;

10 (6) the center for financial aid information
11 established under Section 61.0776;

12 (7) the automatic admission of certain students to
13 general academic teaching institutions as provided by Section
14 51.803;

15 (8) the eligibility and academic performance
16 requirements for the TEXAS Grant as provided by Subchapter M,
17 Chapter 56; and

18 (9) the availability of programs in the district under
19 which a student may earn college credit, including advanced
20 placement programs, dual credit programs, joint high school and
21 college credit programs, and international baccalaureate programs.

22 (b) This section applies beginning with the 2014-2015
23 school year.

24 SECTION 15. (a) Section 33.0812(a), Education Code, is
25 amended to read as follows:

26 (a) The State Board of Education by rule shall prohibit
27 participation in a University Interscholastic League area,

1 regional, or state competition:

2 (1) on Monday through Thursday of the school week in
3 which the primary administration of assessment instruments under
4 Section 39.023(a), (c), (c-2), or (l) occurs; or

5 (2) if the primary administration of the assessment
6 instruments is completed before Thursday of the school week,
7 beginning on Monday and ending on the last school day on which the
8 assessment instruments are administered.

9 (b) This section applies beginning with the 2013-2014
10 school year.

11 SECTION 16. (a) Sections 39.023(c), (c-2), and (c-3),
12 Education Code, are amended to read as follows:

13 (c) The agency shall also adopt end-of-course assessment
14 instruments for secondary-level courses in Algebra I, [~~Algebra II,~~
15 ~~geometry,~~] biology, [~~chemistry, physics, English I,~~] English II,
16 [~~English III, world geography, world history,~~] and United States
17 history. The Algebra I [~~, Algebra II, and geometry~~] end-of-course
18 assessment instrument [~~instruments~~] must be administered with the
19 aid of technology. A school district shall comply with State Board
20 of Education rules regarding administration of the assessment
21 instruments listed in this subsection and may [~~shall~~] adopt a
22 policy that requires a student's performance on an end-of-course
23 assessment instrument for a course listed in this subsection in
24 which the student is enrolled to be considered in determining
25 [~~account for 15 percent of~~] the student's final grade for the
26 course. [~~If a student retakes an end-of-course assessment~~
27 ~~instrument for a course listed in this subsection, as provided by~~

1 ~~Section 39.025, a school district is not required to use the~~
2 ~~student's performance on the subsequent administration or~~
3 ~~administrations of the assessment instrument to determine the~~
4 ~~student's final grade for the course.]~~ If a student is in a special
5 education program under Subchapter A, Chapter 29, the student's
6 admission, review, and dismissal committee shall determine whether
7 any allowable modification is necessary in administering to the
8 student an assessment instrument required under this subsection.
9 The State Board of Education shall administer the assessment
10 instruments. The State Board of Education shall adopt a schedule
11 for the administration of end-of-course assessment instruments
12 specified in this subsection and Subsection (c-2) that complies
13 with the requirements of Subsection (c-3).

14 (c-2) The agency shall also adopt end-of-course assessment
15 instruments for secondary-level courses in Algebra II and English
16 III, which shall be administered to a student at the student's
17 option. The Algebra II end-of-course assessment instrument must be
18 administered with the aid of technology. A school district shall
19 comply with State Board of Education rules regarding administration
20 of the Algebra II and English III end-of-course assessment
21 instruments. [~~The agency may adopt end-of-course assessment~~
22 ~~instruments for courses not listed in Subsection (c).~~] A student's
23 performance on an end-of-course assessment instrument adopted
24 under this subsection is not subject to the performance
25 requirements established under Subsection (c) or Section 39.025.

26 (c-3) In adopting a schedule for the administration of
27 assessment instruments under this section, the State Board of

1 Education [~~shall require~~]:

2 (1) shall require assessment instruments administered
3 under Subsection (a) to be administered on a schedule so that the
4 first assessment instrument is administered at least two weeks
5 later than the date on which the first assessment instrument was
6 administered under Subsection (a) during the 2006-2007 school year;
7 [~~and~~]

8 (2) shall require the spring administration of
9 end-of-course assessment instruments under Subsection (c) or the
10 end-of-course assessment instrument in Algebra II under Subsection
11 (c-2) to occur in each school district not earlier than the first
12 full week in May, except that the spring administration of the
13 end-of-course assessment instruments in [~~English I,~~] English II[~~,~~
14 ~~and English III~~] must be permitted to occur at an earlier date; and

15 (3) shall permit the spring administration of the
16 end-of-course assessment instruments in English III under
17 Subsection (c-2) to occur earlier than the first full week in May.

18 (b) This section applies beginning with the 2013-2014
19 school year.

20 SECTION 17. (a) Sections 39.0233(a) and (b), Education
21 Code, are amended to read as follows:

22 (a) The agency, in coordination with the Texas Higher
23 Education Coordinating Board, shall adopt a series of questions to
24 be included in an end-of-course assessment instrument administered
25 under Sections [~~Section~~] 39.023(c) and (c-2) to be used for
26 purposes of Section 51.3062. The questions adopted under this
27 subsection must be developed in a manner consistent with any

1 college readiness standards adopted under Sections 39.233 [~~39.113~~]
2 and 51.3062.

3 (b) In addition to the questions adopted under Subsection
4 (a), the agency shall adopt a series of questions to be included in
5 an end-of-course assessment instrument administered under Sections
6 [~~Section~~] 39.023(c) and (c-2) to be used for purposes of
7 identifying students who are likely to succeed in an advanced high
8 school course. A school district shall notify a student who
9 performs at a high level on the questions adopted under this
10 subsection and the student's parent or guardian of the student's
11 performance and potential to succeed in an advanced high school
12 course. A school district may not require a student to perform at a
13 particular level on the questions adopted under this subsection in
14 order to be eligible to enroll in an advanced high school course.

15 (b) This section applies beginning with the 2013-2014
16 school year.

17 SECTION 18. (a) Section 39.024(b), Education Code, is
18 amended to read as follows:

19 (b) The agency and the Texas Higher Education Coordinating
20 Board shall ensure that the Algebra II and English III
21 end-of-course assessment instruments adopted [~~required~~] under
22 Section 39.023(c-2) [~~39.023(c)~~] are developed to be capable of,
23 beginning with the 2011-2012 school year, measuring college
24 readiness.

25 (b) This section applies beginning with the 2013-2014
26 school year.

27 SECTION 19. (a) Section 39.0241(a-2), Education Code, is

1 amended to read as follows:

2 (a-2) For the purpose of establishing performance across
3 grade levels, the commissioner shall establish:

4 (1) the performance standards for the Algebra II and
5 English III end-of-course assessment instruments, as provided
6 under Section 39.024(b) and under Subsection (a);

7 (2) the performance standards for the Algebra I and
8 English II end-of-course assessment instruments, as determined
9 based on studies under Section 39.0242 that correlate student
10 performance on the Algebra I and English II end-of-course
11 assessment instruments with student performance on the Algebra II
12 and English III assessment instruments;

13 ~~(3) [the performance standards for the English I~~
14 ~~end-of-course assessment instrument, as determined based on~~
15 ~~studies under Section 39.0242 that correlate student performance on~~
16 ~~the English I end-of-course assessment instrument with student~~
17 ~~performance on the English II assessment instrument,~~

18 [~~4~~] the performance standards for the grade eight
19 assessment instruments, as determined based on studies under
20 Section 39.0242 that correlate student performance on the grade
21 eight assessment instruments with student performance on the
22 Algebra I and English II [~~I~~] end-of-course assessment instruments
23 in the same content area; and

24 (4) [~~5~~] the performance standards on the assessment
25 instruments in each of grades three through seven, as determined
26 based on studies under Section 39.0242 that correlate student
27 performance in the same content area on the assessment instrument

1 for each grade with student performance on the assessment
2 instrument in the succeeding grade.

3 (b) This section applies beginning with the 2013-2014
4 school year.

5 SECTION 20. (a) Section 39.0242(b), Education Code, is
6 amended to read as follows:

7 (b) Before the beginning of the 2011-2012 school year, the
8 agency shall analyze the data collected under Subsection (a) to
9 substantiate:

10 (1) the correlation between satisfactory student
11 performance for each performance standard under Section 39.0241 on
12 the grade three, four, five, six, or seven assessment instruments
13 with satisfactory performance under the same performance standard
14 on the assessment instruments in the same content area for the next
15 grade level;

16 (2) the correlation between satisfactory student
17 performance for each performance standard under Section 39.0241 on
18 the grade eight assessment instruments with satisfactory
19 performance under the same performance standard on the Algebra I
20 and English II [~~I~~] end-of-course assessment instruments in the same
21 content area;

22 (3) [~~the correlation between satisfactory student~~
23 ~~performance for each performance standard under Section 39.0241 on~~
24 ~~the English I end-of-course assessment instrument with~~
25 ~~satisfactory performance under the same performance standard on the~~
26 ~~English II end-of-course assessment instrument,~~

27 [~~4~~] the correlation between satisfactory student

1 performance for each performance standard under Section 39.0241 on
2 the English II end-of-course assessment instrument with
3 satisfactory performance under the same performance standard on the
4 English III end-of-course assessment instrument; and

5 (4) [~~(5)~~] the correlation between satisfactory
6 student performance for each performance standard under Section
7 39.0241 on the Algebra I end-of-course assessment instrument with
8 satisfactory performance under the same performance standard on the
9 Algebra II end-of-course assessment instrument.

10 (b) This section applies beginning with the 2013-2014
11 school year.

12 SECTION 21. (a) Section 39.025, Education Code, is amended
13 by amending Subsections (a), (a-1), (b), and (b-2) and adding
14 Subsection (a-4) to read as follows:

15 (a) The commissioner shall adopt rules requiring a student
16 participating in the recommended or advanced high school program to
17 be administered each end-of-course assessment instrument listed in
18 Section 39.023(c) and requiring a student participating in the
19 minimum high school program to be administered an end-of-course
20 assessment instrument listed in Section 39.023(c) only for a course
21 in which the student is enrolled and for which an end-of-course
22 assessment instrument is administered. A student is required to
23 achieve[~~, in each subject in the foundation curriculum under~~
24 ~~Section 28.002(a)(1), a cumulative score that is at least equal to~~
25 ~~the product of the number of end-of-course assessment instruments~~
26 ~~administered to the student in that subject and]~~ a scale score that
27 indicates satisfactory performance, as determined by the

1 commissioner under Section 39.0241(a), on each end-of-course
2 assessment instrument listed under Section 39.023(c) that is
3 administered to the student as provided by this subsection. For
4 each scale score required under this subsection that is not based on
5 a 100-point scale scoring system, the commissioner shall provide
6 for conversion, in accordance with commissioner rule, of the scale
7 score to an equivalent score based on a 100-point scale scoring
8 system. [~~A student must achieve a minimum score as determined by~~
9 ~~the commissioner to be within a reasonable range of the scale score~~
10 ~~under Section 39.0241(a) on an end-of-course assessment instrument~~
11 ~~for the score to count towards the student's cumulative score. For~~
12 ~~purposes of this subsection, a student's cumulative score is~~
13 ~~determined using the student's highest score on each end-of-course~~
14 ~~assessment instrument administered to the student.] A student may
15 not receive a high school diploma until the student has performed
16 satisfactorily on [~~the~~] end-of-course assessment instruments in
17 the manner provided under this subsection. This subsection does
18 not require a student to demonstrate readiness to enroll in an
19 institution of higher education.~~

20 (a-1) The commissioner [~~by rule~~] shall determine a method by
21 which a student's satisfactory performance on an advanced placement
22 test, an international baccalaureate examination, an SAT Subject
23 Test, the SAT, the ACT, or any nationally recognized
24 norm-referenced [~~another~~] assessment instrument used by
25 institutions of higher education to award course credit based on
26 satisfactory performance on the [~~determined by the commissioner to~~
27 ~~be at least as rigorous as an end-of-course~~] assessment instrument

1 ~~[adopted under Section 39.023(c)]~~ may be used to satisfy ~~[as a~~
2 ~~factor in determining whether the student satisfies]~~ the
3 requirements concerning an end-of-course assessment instrument in
4 an equivalent course as prescribed by ~~[of]~~ Subsection (a)~~[~~
5 ~~including the cumulative score requirement of that subsection]~~.
6 The commissioner shall ~~[by rule may]~~ determine a method by which a
7 student's satisfactory performance on the PSAT ~~[a Preliminary~~
8 ~~Scholastic Assessment Test (PSAT) assessment]~~ or the ACT-Plan ~~[a~~
9 ~~preliminary American College Test (ACT) assessment]~~ may be used to
10 satisfy ~~[as a factor in determining whether the student satisfies]~~
11 the requirements concerning an end-of-course assessment instrument
12 in an equivalent course as prescribed by ~~[of]~~ Subsection (a). A
13 student who fails to perform satisfactorily on a test or other
14 assessment instrument authorized under this subsection, other than
15 the PSAT or the ACT-Plan, may retake that test or other assessment
16 instrument for purposes of this subsection or may take the
17 appropriate end-of-course assessment instrument. A student who
18 fails to perform satisfactorily on the PSAT or the ACT-Plan must
19 take the appropriate end-of-course assessment instrument. The
20 commissioner shall adopt rules as necessary for the administration
21 of this subsection.

22 (a-4) The admission, review, and dismissal committee of a
23 student in a special education program under Subchapter A, Chapter
24 29, shall determine whether, to receive a high school diploma, the
25 student is required to achieve satisfactory performance on
26 end-of-course assessment instruments.

27 (b) Each time an end-of-course assessment instrument

1 adopted under Section 39.023(c) is administered, a student who
2 failed to achieve a [~~minimum~~] score requirement under Subsection
3 (a) may [~~shall~~] retake the assessment instrument. A student who
4 fails to perform satisfactorily on an Algebra II or English III
5 end-of-course assessment instrument under the college readiness
6 performance standard, as provided under Section 39.024(b), may
7 retake the assessment instrument. [~~Any other student may retake an~~
8 ~~end-of-course assessment instrument for any reason.~~] A student is
9 not required to retake a course as a condition of retaking an
10 end-of-course assessment instrument.

11 (b-2) If a school district determines that a student, on
12 completion of grade 11, is unlikely to achieve the [~~cumulative~~]
13 score requirement under this section [~~requirements~~] for one or more
14 end-of-course assessment instruments [~~subjects~~] prescribed under
15 [~~by~~] Subsection (a) for receiving a high school diploma, the
16 district shall require the student to enroll in a corresponding
17 content-area college preparatory course for which an end-of-course
18 assessment instrument has been adopted, if available. A student
19 who enrolls in a college preparatory course described by this
20 subsection shall be administered an end-of-course assessment
21 instrument for the course, with the end-of-course assessment
22 instrument scored on a scale as determined by the commissioner [~~not~~
23 ~~to exceed 20 percent of the cumulative score requirements required~~
24 ~~to graduate as determined under Subsection (a)~~]. A student may use
25 the student's score on the end-of-course assessment instrument for
26 the college preparatory course towards satisfying the [~~cumulative~~]
27 score requirement under this section [~~requirements prescribed by~~

1 ~~Subsection (a)]~~.

2 (b) This section applies beginning with the 2013-2014
3 school year.

4 SECTION 22. (a) Effective September 1, 2014, Section
5 39.025(a), Education Code, is amended to read as follows:

6 (a) The commissioner shall adopt rules requiring a student
7 ~~[participating]~~ in the foundation ~~[recommended or advanced]~~ high
8 school program under Section 28.025 to be administered each
9 end-of-course assessment instrument listed in Section 39.023(c)
10 ~~[and requiring a student participating in the minimum high school~~
11 ~~program to be administered an end-of-course assessment instrument~~
12 ~~listed in Section 39.023(c) only for a course in which the student~~
13 ~~is enrolled and for which an end-of-course assessment instrument is~~
14 ~~administered]~~. A student is required to achieve~~[, in each subject~~
15 ~~in the foundation curriculum under Section 28.002(a)(1), a~~
16 ~~cumulative score that is at least equal to the product of the number~~
17 ~~of end-of-course assessment instruments administered to the~~
18 ~~student in that subject and]~~ a scale score that indicates
19 satisfactory performance, as determined by the commissioner under
20 Section 39.0241(a), on each end-of-course assessment instrument
21 listed under Section 39.023(c). For each scale score required
22 under this subsection that is not based on a 100-point scale scoring
23 system, the commissioner shall provide for conversion, in
24 accordance with commissioner rule, of the scale score to an
25 equivalent score based on a 100-point scale scoring system. ~~[A~~
26 ~~student must achieve a minimum score as determined by the~~
27 ~~commissioner to be within a reasonable range of the scale score~~

1 ~~under Section 39.0241(a) on an end-of-course assessment instrument~~
2 ~~for the score to count towards the student's cumulative score. For~~
3 ~~purposes of this subsection, a student's cumulative score is~~
4 ~~determined using the student's highest score on each end-of-course~~
5 ~~assessment instrument administered to the student.]~~ A student may
6 not receive a high school diploma until the student has performed
7 satisfactorily on [~~the~~] end-of-course assessment instruments in
8 the manner provided under this subsection. This subsection does
9 not require a student to demonstrate readiness to enroll in an
10 institution of higher education.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 23. (a) Sections 39.034(a) and (c), Education
14 Code, are amended to read as follows:

15 (a) The commissioner shall determine a method by which the
16 agency may measure annual improvement in student achievement from
17 one school year to the next on an assessment instrument required
18 under this subchapter or on an end-of-course assessment instrument
19 adopted under Section 39.023(c-2).

20 (c) The agency shall use a student's previous years'
21 performance data on an assessment instrument described by
22 Subsection (a) [~~required under this subchapter~~] to determine the
23 student's expected annual improvement. The agency shall report
24 that expected level of annual improvement and the actual level of
25 annual improvement achieved to the district. The report must state
26 whether the student fell below, met, or exceeded the agency's
27 expectation for improvement.

1 (b) This section takes effect beginning with the 2013-2014
2 school year.

3 SECTION 24. (a) Section 39.035(a), Education Code, is
4 amended to read as follows:

5 (a) Subject to Subsection (b), the agency may conduct field
6 testing of questions for any assessment instrument administered
7 under Section 39.023(a), (b), (c), ~~(c-2)~~, (d), or (l) that is
8 separate from the administration of the assessment instrument not
9 more frequently than every other school year.

10 (b) This section applies beginning with the 2013-2014
11 school year.

12 SECTION 25. (a) Section 39.053(c), Education Code, is
13 amended to read as follows:

14 (c) Indicators of student achievement adopted under this
15 section must include:

16 (1) the results of assessment instruments required
17 under Sections 39.023(a), (c), and (l), including the results of
18 assessment instruments required for graduation retaken by a
19 student, aggregated across grade levels by subject area, including:

20 (A) for the performance standard determined by
21 the commissioner under Section 39.0241(a):

22 (i) the percentage of students who
23 performed satisfactorily on the assessment instruments, aggregated
24 across grade levels by subject area; and

25 (ii) for students who did not perform
26 satisfactorily, the percentage of students who met the standard for
27 annual improvement, as determined by the agency under Section

1 39.034, on the assessment instruments, aggregated across grade
2 levels by subject area; and

3 (B) for the college readiness performance
4 standard as determined under Section 39.0241:

5 (i) the percentage of students who
6 performed satisfactorily on the assessment instruments, aggregated
7 across grade levels by subject area; and

8 (ii) for students who did not perform
9 satisfactorily, the percentage of students who met the standard for
10 annual improvement, as determined by the agency under Section
11 39.034, on the assessment instruments, aggregated across grade
12 levels by subject area;

13 (2) dropout rates, including dropout rates and
14 district completion rates for grade levels 9 through 12, computed
15 in accordance with standards and definitions adopted by the
16 National Center for Education Statistics of the United States
17 Department of Education; ~~and~~

18 (3) high school graduation rates, computed in
19 accordance with standards and definitions adopted in compliance
20 with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et
21 seq.); and

22 (4) at least three additional indicators of student
23 achievement to evaluate district and campus performance.

24 (b) This section applies beginning with the 2013-2014
25 school year.

26 SECTION 26. (a) Section 39.053(f), Education Code, is
27 amended to read as follows:

1 (f) Annually, the commissioner shall define the state
2 standard for the current school year for each student achievement
3 indicator described by Subsection (c) and shall project the state
4 standards for each indicator for the following two school years.
5 The commissioner shall periodically raise the state standards for
6 the student achievement indicator described by Subsection
7 (c)(1)(B)(i) for accreditation as necessary to reach the goals of
8 achieving, by not later than the 2019-2020 school year:

9 (1) student performance in this state, disaggregated
10 by race, ethnicity, and socioeconomic status, that ranks nationally
11 in the top 10 states in terms of college readiness; and

12 (2) student performance, [~~including the percentage of~~
13 ~~students graduating under the recommended or advanced high school~~
14 ~~program,~~] with no significant achievement gaps by race, ethnicity,
15 and socioeconomic status.

16 (b) This section applies beginning with the 2014-2015
17 school year.

18 SECTION 27. (a) Sections 39.054(a) and (b), Education
19 Code, are amended to read as follows:

20 (a) The commissioner shall adopt rules to evaluate school
21 district and campus performance and [~~not later than August 8 of~~
22 ~~each year,~~] assign each district and campus a performance rating of of
23 A, B, C, or F. In adopting rules under this subsection, the
24 commissioner shall determine the criteria for each designated
25 letter performance rating and designate A, B, and C letter
26 performance ratings as reflecting [~~that reflects~~] acceptable
27 performance and the F letter performance rating as reflecting [~~or~~]

1 unacceptable performance. Not later than August 8 of each year, the
2 performance rating of each district and campus shall be made
3 publicly available as provided by rules adopted under this
4 subsection. If a district or campus received a performance rating
5 of unacceptable performance for the preceding school year, the
6 commissioner shall notify the district of a subsequent such
7 designation on or before June 15.

8 (b) In evaluating performance, the commissioner shall
9 evaluate against state standards and consider the performance of
10 each campus in a school district and each open-enrollment charter
11 school on the basis of the campus's or school's performance on the
12 student achievement indicators adopted under Section 39.053, other
13 than, to the greatest extent possible, the student achievement
14 indicator adopted under Section 39.053(c)(1) [~~39.053(c)~~].

15 (b) This section applies beginning with the 2013-2014
16 school year.

17 SECTION 28. (a) Subchapter C, Chapter 39, Education Code,
18 is amended by adding Section 39.0545 to read as follows:

19 Sec. 39.0545. SCHOOL DISTRICT EVALUATION OF PERFORMANCE IN
20 COMMUNITY AND STUDENT ENGAGEMENT; COMPLIANCE. (a) Each school
21 district shall evaluate the district's performance and the
22 performance of each campus in the district in community and student
23 engagement and in compliance as provided by this section and assign
24 the district and each campus an acceptable performance rating of A,
25 B, or C, or an unacceptable performance rating of F. Not later than
26 August 8 of each year, the district shall report each performance
27 rating to the agency and make the performance ratings publicly

1 available as provided by commissioner rule.

2 (b) For purposes of assigning the performance ratings under
3 Subsection (a), a school district must evaluate:

4 (1) the following programs or specific categories of
5 performance at each campus:

6 (A) fine arts;

7 (B) wellness and physical education;

8 (C) community and parental involvement;

9 (D) the 21st Century Workforce Development
10 program; and

11 (E) the second language acquisition program; and

12 (2) the record of the district and each campus
13 regarding compliance with statutory reporting and policy
14 requirements.

15 (c) A school district shall use criteria developed by the
16 commissioner as described by Subsection (d)(1) in conjunction with
17 criteria developed by a local committee established as provided by
18 Subsection (d)(2) to evaluate the performance of a campus under
19 Subsection (b)(1).

20 (d) The commissioner shall:

21 (1) in accordance with commissioner rule, establish a
22 separate committee that includes members as described by Sections
23 39.204(c) and (d) to develop criteria for each program or category
24 of performance under Subsection (b)(1) in the manner provided for
25 developing criteria for a distinction designation under Section
26 39.204(e); and

27 (2) by commissioner rule, prescribe requirements for

1 school districts to use to establish a local committee to develop
2 district criteria.

3 (b) This section applies beginning with the 2013-2014
4 school year.

5 SECTION 29. (a) Section 39.057(a), Education Code, is
6 amended to read as follows:

7 (a) The commissioner shall authorize special accreditation
8 investigations to be conducted:

9 (1) when excessive numbers of absences of students
10 eligible to be tested on state assessment instruments are
11 determined;

12 (2) when excessive numbers of allowable exemptions
13 from the required state assessment instruments are determined;

14 (3) in response to complaints submitted to the agency
15 with respect to alleged violations of civil rights or other
16 requirements imposed on the state by federal law or court order;

17 (4) in response to established compliance reviews of
18 the district's financial accounting practices and state and federal
19 program requirements;

20 (5) when extraordinary numbers of student placements
21 in disciplinary alternative education programs, other than
22 placements under Sections 37.006 and 37.007, are determined;

23 (6) in response to an allegation involving a conflict
24 between members of the board of trustees or between the board and
25 the district administration if it appears that the conflict
26 involves a violation of a role or duty of the board members or the
27 administration clearly defined by this code;

1 (7) when excessive numbers of students in special
2 education programs under Subchapter A, Chapter 29, are assessed
3 through assessment instruments developed or adopted under Section
4 39.023(b);

5 (8) in response to an allegation regarding or an
6 analysis using a statistical method result indicating a possible
7 violation of an assessment instrument security procedure
8 established under Section 39.0301, including for the purpose of
9 investigating or auditing a school district under that section;

10 (9) when a significant pattern of decreased academic
11 performance has developed as a result of the promotion in the
12 preceding two school years of students who did not perform
13 satisfactorily as determined by the commissioner under Section
14 39.0241(a) on assessment instruments administered under Section
15 39.023(a), (c), or (l);

16 (10) ~~[when excessive numbers of students graduate~~
17 ~~under the minimum high school program,~~

18 [~~(11)~~] when excessive numbers of students eligible to
19 enroll fail to complete an advanced mathematics [~~Algebra II~~] course
20 or any other advanced course determined by the commissioner [~~as~~
21 ~~distinguishing between students participating in the recommended~~
22 ~~high school program from students participating in the minimum high~~
23 ~~school program];~~

24 (11) [~~(12)~~] when resource allocation practices as
25 evaluated under Section 39.0821 indicate a potential for
26 significant improvement in resource allocation; or

27 (12) [~~(13)~~] as the commissioner otherwise determines

1 necessary.

2 (b) This section applies beginning with the 2014-2015
3 school year.

4 SECTION 30. (a) Section 39.082, Education Code, is amended
5 by amending Subsections (a) and (b) and adding Subsections (d),
6 (e), (f), (g), (h), (h-1), and (i) to read as follows:

7 (a) The commissioner shall, in consultation with the
8 comptroller, develop and implement separate financial
9 accountability rating systems for school districts and
10 open-enrollment charter schools in this state that:

11 (1) distinguish among school districts and
12 distinguish among open-enrollment charter schools, as applicable,
13 based on levels of financial performance; ~~and~~

14 (2) include procedures to:

15 (A) provide additional transparency to public
16 education finance; and

17 (B) enable the commissioner and school district
18 and open-enrollment charter school administrators to provide
19 meaningful financial oversight and improvement; and

20 (3) include processes for anticipating the future
21 financial solvency of each school district and open-enrollment
22 charter school, including analysis of district and school revenues
23 and expenditures for preceding school years.

24 (b) The system must include uniform indicators adopted by
25 ~~the~~ commissioner rule by which to measure the financial
26 management performance and future financial solvency of a district
27 or open-enrollment charter school. In adopting indicators under

1 this subsection, the commissioner shall assign a point value to
2 each indicator to be used in a scoring matrix developed by the
3 commissioner.

4 (d) The commissioner shall evaluate indicators adopted
5 under Subsection (b) at least once every three years.

6 (e) Under the financial accountability rating system
7 developed under this section, each school district or
8 open-enrollment charter school, as applicable, shall be assigned a
9 financial accountability rating of A, B, C, or F. In adopting rules
10 under this section, the commissioner, in consultation with the
11 comptroller, shall determine the criteria for each designated
12 letter performance rating and designate A, B, and C letter
13 performance ratings as passing ratings and the F letter performance
14 rating as a failing rating.

15 (f) A district or open-enrollment charter school shall
16 receive a failing rating under the system if the district or school
17 fails to achieve a satisfactory rating on:

18 (1) an indicator adopted under Subsection (b) relating
19 to financial management or solvency that the commissioner
20 determines to be critical; or

21 (2) a category of indicators that suggest trends
22 leading to financial distress as determined by the commissioner.

23 (g) Before assigning a final rating under the system, the
24 commissioner shall assign each district or open-enrollment charter
25 school a preliminary rating. A district or school may submit
26 additional information to the commissioner relating to any
27 indicator on which performance was considered unsatisfactory. The

1 commissioner shall consider any additional information submitted
2 by a district or school before assigning a final rating. If the
3 commissioner determines that the additional information negates
4 the concern raised by the indicator on which performance was
5 considered unsatisfactory, the commissioner may not penalize the
6 district or school on the basis of the indicator.

7 (h) The commissioner shall adopt rules for the
8 implementation of this section.

9 (h-1) The commissioner shall adopt initial rules necessary
10 to implement the changes to this section made by the 83rd
11 Legislature, Regular Session, 2013, not later than March 1, 2015.
12 This subsection expires April 1, 2015.

13 (i) Not later than August 8 of each year, the financial
14 accountability rating of each school district and open-enrollment
15 charter school under the financial accountability rating system
16 developed under this section shall be made publicly available as
17 provided by rules adopted under this section.

18 (b) This section applies beginning with the 2013-2014
19 school year.

20 SECTION 31. (a) Section 39.0823, Education Code, is
21 amended by amending Subsection (a) and adding Subsection (d) to
22 read as follows:

23 (a) If the commissioner, based on the indicators adopted
24 under Section 39.082 or other relevant information, projects a
25 ~~[review process under Section 39.0822 indicates a projected]~~
26 deficit for a school district or open-enrollment charter school
27 general fund within the following three school years, the agency

1 ~~[district]~~ shall provide the district or school ~~[agency]~~ interim
2 financial reports, including projected revenues and expenditures
3 ~~[supplemented by staff and student count data, as needed]~~, to
4 evaluate the ~~[district's]~~ current budget status of the district or
5 school.

6 (d) The agency may require a district or open-enrollment
7 charter school to submit additional information needed to produce a
8 financial report under Subsection (a). If a district or school
9 fails to provide information requested under this subsection or if
10 the commissioner determines that the information submitted by a
11 district or school is unreliable, the commissioner may order the
12 district or school to acquire professional services as provided by
13 Section 39.109.

14 (b) This section applies beginning with the 2013-2014
15 school year.

16 SECTION 32. (a) Subchapter D, Chapter 39, Education Code,
17 is amended by adding Section 39.0824 to read as follows:

18 Sec. 39.0824. CORRECTIVE ACTION PLAN. (a) A school
19 district or open-enrollment charter school assigned a failing
20 rating under Section 39.082 shall submit to the commissioner a
21 corrective action plan to address the financial weaknesses of the
22 district or school. A corrective action plan must identify
23 problems and include strategies for improvement.

24 (b) The commissioner may impose appropriate sanctions under
25 Subchapter E against a district or school failing to submit or
26 implement a corrective action plan required under Subsection (a).

27 (b) This section applies beginning with the 2013-2014

1 school year.

2 SECTION 33. (a) Section 39.083(b), Education Code, is
3 amended to read as follows:

4 (b) The annual financial management report must include:

5 (1) a description of the district's financial
6 management performance based on a comparison, provided by the
7 agency, of the district's performance on the indicators adopted
8 under Section 39.082(b) to:

9 (A) state-established standards; and

10 (B) the district's previous performance on the
11 indicators; and

12 ~~(2) [a description of the data submitted using the~~
13 ~~electronic-based program developed under Section 39.0822; and~~

14 ~~[(3)]~~ any descriptive information required by the
15 commissioner.

16 (b) This section applies beginning with the 2013-2014
17 school year.

18 SECTION 34. (a) Section 39.201(a), Education Code, is
19 amended to read as follows:

20 (a) Not later than August 8 of each year, the commissioner
21 shall award distinction designations for outstanding performance
22 as provided by [under] this subchapter. A distinction designation
23 awarded to a district or campus under this subchapter shall be
24 referenced directly in connection with the performance rating
25 assigned to the district or campus and made publicly available
26 together with the performance ratings as provided by rules adopted
27 under Section 39.054(a).

1 (b) This section applies beginning with the 2013-2014
2 school year.

3 SECTION 35. (a) Section 39.202, Education Code, is amended
4 to read as follows:

5 Sec. 39.202. ACADEMIC [~~EXCELLENCE~~] DISTINCTION DESIGNATION
6 FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall
7 establish [~~a recognized and exemplary rating for awarding districts~~
8 ~~and campuses~~] an academic distinction designation for districts and
9 campuses for outstanding performance in attainment of
10 postsecondary readiness [~~under this subchapter~~]. The [~~In~~
11 ~~establishing the recognized and exemplary ratings, the~~]
12 commissioner shall adopt criteria for the designation under this
13 section [~~ratings~~], including:

14 (1) percentages of students who:

15 (A) performed satisfactorily, as determined
16 under the college readiness performance standard under Section
17 39.0241, on assessment instruments required under Section
18 39.023(a), (b), (c), or (1) or on end-of-course assessment
19 instruments adopted under Section 39.023(c-2), aggregated across
20 grade levels by subject area; or

21 (B) met the standard for annual improvement, as
22 determined by the agency under Section 39.034, on assessment
23 instruments required under Section 39.023(a), (b), (c), or (1) or
24 on end-of-course assessment instruments adopted under Section
25 39.023(c-2), aggregated across grade levels by subject area, for
26 students who did not perform satisfactorily as described by
27 Paragraph (A); and

1 (2) other factors for determining sufficient student
2 attainment of postsecondary readiness.

3 (b) This section applies beginning with the 2013-2014
4 school year.

5 SECTION 36. (a) Section 39.203, Education Code, is amended
6 to read as follows:

7 Sec. 39.203. CAMPUS DISTINCTION DESIGNATIONS. (a) The
8 commissioner shall award a campus a distinction designation for
9 outstanding performance in improvement in student achievement if
10 the campus is ranked in the top 25 percent of campuses in the state
11 in annual improvement in student achievement as determined under
12 Section 39.034.

13 (b) In addition to the distinction designation described by
14 Subsection (a), the commissioner shall award a campus a distinction
15 designation for outstanding performance in closing student
16 achievement differentials if the campus demonstrates an ability to
17 significantly diminish or eliminate performance differentials
18 between student subpopulations and is ranked in the top 25 percent
19 of campuses in this state under the performance criteria described
20 by this subsection. The commissioner shall adopt rules related to
21 the distinction designation under this subsection to ensure that a
22 campus does not artificially diminish or eliminate performance
23 differentials through inhibiting the achievement of the highest
24 achieving student subpopulation.

25 (c) In addition to the distinction designations described
26 by Subsections (a) and (b), a campus that satisfies the criteria
27 developed under Section 39.204 shall be awarded a distinction

1 designation by the commissioner for outstanding performance in [~~for~~
2 ~~the following programs or the following specific categories of~~
3 ~~performance.~~

4 [~~(1)~~] academic achievement in English language arts,
5 mathematics, science, or social studies[~~+~~

6 [~~(2)~~ ~~fine arts,~~

7 [~~(3)~~ ~~physical education,~~

8 [~~(4)~~ ~~21st Century Workforce Development program; and~~

9 [~~(5)~~ ~~second language acquisition program]~~.

10 (d) In addition to the distinction designations otherwise
11 described by this section, the commissioner may award a distinction
12 designation for outstanding performance in advanced middle or
13 junior high school student achievement to a campus with a
14 significant number of students below grade nine who perform
15 satisfactorily on an end-of-course assessment instrument
16 administered under Section 39.023(c).

17 (b) This section applies beginning with the 2013-2014
18 school year.

19 SECTION 37. (a) Section 39.301(c), Education Code, is
20 amended to read as follows:

21 (c) Indicators for reporting purposes must include:

22 (1) the percentage of graduating students who meet the
23 course requirements established by State Board of Education rule
24 for:

25 (A) the foundation [~~minimum~~] high school
26 program;

27 (B) [~~+~~] the distinguished level of achievement

1 under the foundation [~~recommended~~] high school program;[~~7~~] and

2 (C) each endorsement described by Section 28.025
3 (c-1) [the advanced high school program];

4 (2) the results of the SAT, ACT, articulated
5 postsecondary degree programs described by Section 61.852, and
6 certified workforce training programs described by Chapter 311,
7 Labor Code;

8 (3) for students who have failed to perform
9 satisfactorily, under each performance standard under Section
10 39.0241, on an assessment instrument required under Section
11 39.023(a) or (c), the performance of those students on subsequent
12 assessment instruments required under those sections, aggregated
13 by grade level and subject area;

14 (4) [~~for each campus, the number of students,~~
15 ~~disaggregated by major student subpopulations, that agree under~~
16 ~~Section 28.025(b) to take courses under the minimum high school~~
17 ~~program,~~

18 [~~5~~] the percentage of students, aggregated by grade
19 level, provided accelerated instruction under Section 28.0211(c),
20 the results of assessment instruments administered under that
21 section, the percentage of students promoted through the grade
22 placement committee process under Section 28.0211, the subject of
23 the assessment instrument on which each student failed to perform
24 satisfactorily under each performance standard under Section
25 39.0241, and the performance of those students in the school year
26 following that promotion on the assessment instruments required
27 under Section 39.023;

1 (5) [~~(6)~~] the percentage of students of limited
2 English proficiency exempted from the administration of an
3 assessment instrument under Sections 39.027(a)(1) and (2);

4 (6) [~~(7)~~] the percentage of students in a special
5 education program under Subchapter A, Chapter 29, assessed through
6 assessment instruments developed or adopted under Section
7 39.023(b);

8 (7) [~~(8)~~] the percentage of students who satisfy the
9 college readiness measure;

10 (8) [~~(9)~~] the measure of progress toward dual language
11 proficiency under Section 39.034(b), for students of limited
12 English proficiency, as defined by Section 29.052;

13 (9) [~~(10)~~] the percentage of students who are not
14 educationally disadvantaged;

15 (10) [~~(11)~~] the percentage of students who enroll and
16 begin instruction at an institution of higher education in the
17 school year following high school graduation; and

18 (11) [~~(12)~~] the percentage of students who
19 successfully complete the first year of instruction at an
20 institution of higher education without needing a developmental
21 education course.

22 (b) This section applies beginning with the 2014-2015
23 school year.

24 SECTION 38. (a) Section 39.305(b), Education Code, is
25 amended to read as follows:

26 (b) The report card shall include the following
27 information:

1 (1) where applicable, the student achievement
2 indicators described by Section 39.053(c) and the reporting
3 indicators described by Sections 39.301(c)(1) through (4) [~~(5)~~];

4 (2) average class size by grade level and subject;

5 (3) the administrative and instructional costs per
6 student, computed in a manner consistent with Section 44.0071; and

7 (4) the district's instructional expenditures ratio
8 and instructional employees ratio computed under Section 44.0071,
9 and the statewide average of those ratios, as determined by the
10 commissioner.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 39. (a) Subchapter L, Chapter 39, Education Code,
14 is amended by adding Section 39.363 to read as follows:

15 Sec. 39.363. NOTICE ON AGENCY WEBSITE. Not later than
16 August 31 of each year, the agency shall make the following
17 information available to the public on the agency's Internet
18 website:

19 (1) the letter performance rating assigned to each
20 school district and campus under Section 39.054 and each
21 distinction designation awarded to a school district or campus
22 under Subchapter G, Chapter 39;

23 (2) the letter performance rating assigned to a school
24 district and each campus in the district by the district under
25 Section 39.0545; and

26 (3) the letter financial accountability rating
27 assigned to each school district and open-enrollment charter school

1 under Section 39.082.

2 (b) This section applies beginning with the 2013-2014
3 school year.

4 SECTION 40. (a) Section 51.3062(q-1), Education Code, is
5 amended to read as follows:

6 (q-1) A student who has completed the foundation [~~a~~
7 ~~recommended or advanced~~] high school program as determined under
8 Section 28.025 and demonstrated the performance standard for
9 college readiness as provided by Section 39.024 on the Algebra II
10 and English III end-of-course assessment instruments is exempt from
11 the requirements of this section with respect to those content
12 areas. The commissioner of higher education by rule shall
13 establish the period for which an exemption under this subsection
14 is valid.

15 (b) This section applies beginning with the 2014-2015
16 school year.

17 SECTION 41. (a) Section 51.803, Education Code, is amended
18 by amending Subsections (a), (b), and (d) and adding Subsection (m)
19 to read as follows:

20 (a) Subject to Subsection (a-1), each general academic
21 teaching institution shall admit an applicant for admission to the
22 institution as an undergraduate student if the applicant graduated
23 with a grade point average in the top 10 percent of the student's
24 high school graduating class in one of the two school years
25 preceding the academic year for which the applicant is applying for
26 admission and:

27 (1) the applicant graduated from a public or private

1 high school in this state accredited by a generally recognized
2 accrediting organization or from a high school operated by the
3 United States Department of Defense;

4 (2) the applicant:

5 (A) successfully completed:

6 (i) at a public high school, the curriculum
7 requirements established under Section 28.025 for the
8 distinguished level of achievement under the foundation
9 ~~[recommended or advanced]~~ high school program; or

10 (ii) at a high school to which Section
11 28.025 does not apply, a curriculum that is equivalent in content
12 and rigor to the distinguished level of achievement under the
13 foundation ~~[recommended or advanced]~~ high school program; or

14 (B) satisfied ACT's College Readiness Benchmarks
15 on the ACT assessment applicable to the applicant or earned on the
16 SAT assessment a score of at least 1,500 out of 2,400 or the
17 equivalent; and

18 (3) if the applicant graduated from a high school
19 operated by the United States Department of Defense, the applicant
20 is a Texas resident under Section 54.052 or is entitled to pay
21 tuition fees at the rate provided for Texas residents under Section
22 54.241(d) ~~[54.058(d)]~~ for the term or semester to which admitted.

23 (b) An applicant who does not satisfy the curriculum
24 requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is
25 considered to have satisfied those requirements if the student
26 completed the portion of the distinguished level of achievement
27 under the foundation high school program ~~[recommended or advanced]~~

1 curriculum or of the curriculum equivalent in content and rigor, as
2 applicable, that was available to the student but was unable to
3 complete the remainder of the curriculum solely because courses
4 necessary to complete the remainder were unavailable to the student
5 at the appropriate times in the student's high school career as a
6 result of course scheduling, lack of enrollment capacity, or
7 another cause not within the student's control.

8 (d) For purposes of Subsection (c)(2), a student's official
9 transcript or diploma must, not later than the end of the student's
10 junior year, indicate:

11 (1) whether the student has satisfied or is on
12 schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or
13 (ii), as applicable; or

14 (2) if Subsection (b) applies to the student, whether
15 the student has completed the portion of the distinguished level of
16 achievement under the foundation high school program [~~recommended~~
17 ~~or advanced~~] curriculum or of the curriculum equivalent in content
18 and rigor, as applicable, that was available to the student.

19 (m) The Texas Higher Education Coordinating Board and the
20 commissioner of education shall jointly adopt rules to establish
21 eligibility requirements for admission under this section as to
22 curriculum requirements for high school graduation under
23 Subsection (a)(2)(A) for students participating under the
24 transition plan described by Section 28.025(h) regarding high
25 school curriculum completion. This subsection expires September 1,
26 2020.

27 (b) This section applies beginning with the 2014-2015

1 school year.

2 SECTION 42. (a) Section 51.805, Education Code, is amended
3 by amending Subsection (a) and adding Subsection (g) to read as
4 follows:

5 (a) A graduating student who does not qualify for admission
6 under Section 51.803 or 51.804 may apply to any general academic
7 teaching institution if the student:

8 (1) successfully completed ~~[satisfies the~~
9 ~~requirements of]:~~

10 (A) at a public high school, the curriculum
11 requirements established under Section 28.025 for the foundation
12 high school program; or

13 (B) at a high school to which Section 28.025 does
14 not apply, a curriculum that is equivalent in content and rigor to
15 the foundation high school program ~~[(1) Section 51.803(a)(2)(A)~~
16 ~~or 51.803(b), as applicable to the student, or Section~~
17 ~~51.803(a)(2)(B)]; or ~~and]~~~~

18 (2) satisfied ACT's College Readiness Benchmarks on
19 the ACT assessment applicable to the applicant or earned on the SAT
20 assessment a score of at least 1,500 out of 2,400 or the equivalent
21 ~~[Sections 51.803(c)(2) and 51.803(d)].~~

22 (g) The Texas Higher Education Coordinating Board and the
23 commissioner of education shall jointly adopt rules to establish
24 eligibility requirements for admission under this section as to
25 curriculum requirements for high school graduation under
26 Subsection (a) for students participating under the transition plan
27 described by Section 28.025(h) regarding high school curriculum

1 completion. This subsection expires September 1, 2020.

2 (b) This section applies beginning with the 2014-2015
3 school year.

4 SECTION 43. (a) Section 51.807(b), Education Code, is
5 amended to read as follows:

6 (b) The Texas Higher Education Coordinating Board, after
7 consulting with the Texas Education Agency, by rule shall establish
8 standards for determining for purposes of this subchapter:

9 (1) whether a private high school is accredited by a
10 generally recognized accrediting organization; and

11 (2) whether a person completed a high school
12 curriculum that is equivalent in content and rigor to the
13 curriculum requirements established under Section 28.025 for the
14 foundation [recommended or advanced] high school program or the
15 distinguished level of achievement under the foundation high school
16 program.

17 (b) This section applies beginning with the 2014-2015
18 school year.

19 SECTION 44. (a) Subchapter A, Chapter 56, Education Code,
20 is amended by adding Section 56.009 to read as follows:

21 Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN
22 HIGH SCHOOL PROGRAMS. To the extent that a person's eligibility to
23 participate in any program under this chapter, including
24 Subchapters K, Q, and R, is contingent on the person graduating
25 under the recommended or advanced high school program, as those
26 programs existed before the adoption of __.B. No. _____, 83rd
27 Legislature, Regular Session, 2013, the Texas Higher Education

1 Coordinating Board and the commissioner of education shall jointly
2 adopt rules to modify, clarify, or otherwise establish for affected
3 programs appropriate eligibility requirements regarding high
4 school curriculum completion.

5 (b) This section applies beginning with the 2014-2015
6 school year.

7 SECTION 45. (a) Section 56.3041, Education Code, is
8 amended to read as follows:

9 Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM
10 HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL
11 ACADEMIC TEACHING INSTITUTION. (a) Notwithstanding Section
12 56.304(a), to be eligible initially for a TEXAS grant, a person
13 graduating from high school on or after May 1, 2013, and enrolling
14 in a general academic teaching institution must:

15 (1) be a resident of this state as determined by
16 coordinating board rules;

17 (2) meet the academic requirements prescribed by
18 Paragraph (A), (B), or (C) as follows:

19 (A) be a graduate of a public or accredited
20 private high school in this state who completed the foundation
21 ~~[recommended]~~ high school program established under Section 28.025
22 or its equivalent and have accomplished any two or more of the
23 following:

24 (i) ~~[graduation under the advanced high~~
25 ~~school program established under Section 28.025 or its equivalent,]~~
26 successful completion of the course requirements of the
27 international baccalaureate diploma program~~[7]~~ or earning of the

1 equivalent of at least 12 semester credit hours of college credit in
2 high school through courses described in Sections 28.009(a)(1),
3 (2), and (3);

4 (ii) satisfaction of the Texas Success
5 Initiative (TSI) college readiness benchmarks prescribed by the
6 coordinating board under Section 51.3062(f) on any assessment
7 instrument designated by the coordinating board under Section
8 51.3062(c) [~~or (e)~~] or qualification for an exemption as described
9 by Section 51.3062(p), (q), or (q-1);

10 (iii) graduation in the top one-third of
11 the person's high school graduating class or graduation from high
12 school with a grade point average of at least 3.0 on a four-point
13 scale or the equivalent; or

14 (iv) completion for high school credit of
15 at least one advanced mathematics course following the successful
16 completion of an Algebra II course[~~, as permitted by Section~~
17 ~~28.025(b-3),~~] or at least one advanced career and technical
18 course[~~, as permitted by Section 28.025(b-2)~~];

19 (B) have received an associate degree from a
20 public or private institution of higher education; or

21 (C) if sufficient money is available, meet the
22 eligibility criteria described by Section 56.304(a)(2)(A);

23 (3) meet financial need requirements established by
24 the coordinating board;

25 (4) be enrolled in an undergraduate degree or
26 certificate program at the general academic teaching institution;

27 (5) except as provided under rules adopted under

1 Section 56.304(h), be enrolled as:

2 (A) an entering undergraduate student for at
3 least three-fourths of a full course load, as determined by the
4 coordinating board, not later than the 16th month after the
5 calendar month in which the person graduated from high school;

6 (B) an entering undergraduate student who
7 entered military service not later than the first anniversary of
8 the date the person graduated from high school and who enrolled for
9 at least three-fourths of a full course load, as determined by the
10 coordinating board, at the general academic teaching institution
11 not later than 12 months after being honorably discharged from
12 military service; or

13 (C) a continuing undergraduate student for at
14 least three-fourths of a full course load, as determined by the
15 coordinating board, not later than the 12th month after the
16 calendar month in which the person received an associate degree
17 from a public or private institution of higher education;

18 (6) have applied for any available financial aid or
19 assistance; and

20 (7) comply with any additional nonacademic
21 requirements adopted by the coordinating board under this
22 subchapter.

23 (b) The Texas Higher Education Coordinating Board and the
24 commissioner of education shall jointly adopt rules to establish
25 eligibility requirements for a grant under this section as to
26 curriculum requirements for high school graduation under
27 Subsection (a)(2)(A) for students participating under the

1 transition plan described by Section 28.025(h) regarding high
2 school curriculum completion. This subsection expires September 1,
3 2020.

4 (b) This section applies beginning with the 2014-2015
5 school year.

6 SECTION 46. (a) Section 61.0517(a), Education Code, is
7 amended to read as follows:

8 (a) In this section, "applied STEM course" means an applied
9 science, technology, engineering, or mathematics course offered as
10 part of a school district's career and technology education
11 curriculum and approved, as provided by Section 28.027, by the
12 State Board of Education for purposes of satisfying the mathematics
13 and science curriculum requirements for the foundation
14 [~~recommended~~] high school program [~~imposed~~] under Section 28.025
15 [~~28.025(b-1)(1)(A)~~].

16 (b) This section applies beginning with the 2014-2015
17 school year.

18 SECTION 47. (a) Section 61.792(b), Education Code, is
19 amended to read as follows:

20 (b) To qualify for a scholarship under this section, a
21 student must:

22 (1) have graduated with a grade point average in the
23 top 20 percent of the student's high school graduating class;

24 (2) have graduated from high school with a grade point
25 average of at least 3.5 on a four-point scale or the equivalent in
26 mathematics and science courses offered under the foundation
27 [~~recommended or advanced~~] high school program under Section 28.025

1 [~~28.025(a)~~]; and

2 (3) maintain an overall grade point average of at
3 least 3.0 on a four-point scale at the general academic teaching
4 institution or the private or independent institution of higher
5 education in which the student is enrolled.

6 (b) This section applies beginning with the 2014-2015
7 school year.

8 SECTION 48. (a) Section 61.852(a), Education Code, is
9 amended to read as follows:

10 (a) A tech-prep program is a program of study that:

11 (1) combines at least two years of secondary education
12 with at least two years of postsecondary education in a
13 nonduplicative, sequential course of study based on the foundation
14 [~~recommended~~] high school program adopted by the State Board of
15 Education under Section 28.025 [~~28.025(a)~~];

16 (2) integrates academic instruction and vocational
17 and technical instruction;

18 (3) uses work-based and worksite learning where
19 available and appropriate;

20 (4) provides technical preparation in a career field
21 such as engineering technology, applied science, a mechanical,
22 industrial, or practical art or trade, agriculture, health
23 occupations, business, or applied economics;

24 (5) builds student competence in mathematics,
25 science, reading, writing, communications, economics, and
26 workplace skills through applied, contextual academics and
27 integrated instruction in a coherent sequence of courses;

1 (6) leads to an associate degree, two-year
2 postsecondary certificate, or postsecondary two-year
3 apprenticeship with provisions, to the extent applicable, for
4 students to continue toward completion of a baccalaureate degree;
5 and

6 (7) leads to placement in appropriate employment or to
7 further education.

8 (b) This section applies beginning with the 2014-2015
9 school year.

10 SECTION 49. (a) Section 61.855(d), Education Code, is
11 amended to read as follows:

12 (d) A tech-prep program must:

13 (1) be implemented under an articulation agreement
14 between the participants in the consortium;

15 (2) consist of two to four years of secondary school
16 preceding graduation and:

17 (A) two or more years of higher education; or

18 (B) two or more years of apprenticeship following
19 secondary instruction;

20 (3) have a common core of required proficiency based
21 on the foundation [~~recommended~~] high school program adopted by the
22 State Board of Education under Section 28.025 [~~28.025(a)~~], with
23 proficiencies in mathematics, science, reading, writing,
24 communications, and technologies designed to lead to an associate's
25 degree or postsecondary certificate in a specific career field;

26 (4) include the development of tech-prep program
27 curricula for both secondary and postsecondary participants in the

1 consortium that:

2 (A) meets academic standards developed by the
3 state;

4 (B) links secondary schools and two-year
5 postsecondary institutions, and, if practicable, four-year
6 institutions of higher education through nonduplicative sequences
7 of courses in career fields, including the investigation of
8 opportunities for tech-prep students to enroll concurrently in
9 secondary and postsecondary course work;

10 (C) uses, if appropriate and available,
11 work-based or worksite learning in conjunction with business and
12 all aspects of an industry; and

13 (D) uses educational technology and distance
14 learning, as appropriate, to involve each consortium participant
15 more fully in the development and operation of programs;

16 (5) include in-service training for teachers that:

17 (A) is designed to train vocational and technical
18 teachers to effectively implement tech-prep programs;

19 (B) provides for joint training for teachers in
20 the tech-prep consortium;

21 (C) is designed to ensure that teachers and
22 administrators stay current with the needs, expectations, and
23 methods of business and of all aspects of an industry;

24 (D) focuses on training postsecondary education
25 faculty in the use of contextual and applied curricula and
26 instruction; and

27 (E) provides training in the use and application

1 of technology;

2 (6) include training programs for counselors designed
3 to enable counselors to more effectively:

4 (A) provide information to students regarding
5 tech-prep programs;

6 (B) support student progress in completing
7 tech-prep programs;

8 (C) provide information on related employment
9 opportunities;

10 (D) ensure that tech-prep students are placed in
11 appropriate employment; and

12 (E) stay current with the needs, expectations,
13 and methods of business and of all aspects of an industry;

14 (7) provide equal access to the full range of
15 tech-prep programs for individuals who are members of special
16 populations, including by the development of tech-prep program
17 services appropriate to the needs of special populations; and

18 (8) provide for preparatory services that assist
19 participants in tech-prep programs.

20 (b) This section applies beginning with the 2014-2015
21 school year.

22 SECTION 50. (a) Section 61.861(c), Education Code, is
23 amended to read as follows:

24 (c) A course developed for purposes of this section must:

25 (1) provide content that enables a student to develop
26 the relevant and critical skills needed to be prepared for
27 employment or additional training in a high-demand occupation;

1 (2) incorporate college and career readiness skills as
2 part of the curriculum;

3 (3) be offered for dual credit; and

4 (4) satisfy a mathematics or science requirement under
5 the foundation [~~recommended or advanced~~] high school program as
6 determined under Section 28.025.

7 (b) This section applies beginning with the 2014-2015
8 school year.

9 SECTION 51. (a) Section 61.864, Education Code, is amended
10 to read as follows:

11 Sec. 61.864. REVIEW OF COURSES. Courses for which a grant
12 is awarded under this subchapter shall be reviewed by the
13 commissioner of higher education and the commissioner of education,
14 in consultation with the comptroller and the Texas Workforce
15 Commission, once every four years to determine whether the course:

16 (1) is being used by public educational institutions
17 in this state;

18 (2) prepares high school students with the skills
19 necessary for employment in the high-demand occupation and further
20 postsecondary study; and

21 (3) satisfies a mathematics or science requirement for
22 the foundation [~~recommended or advanced~~] high school program as
23 determined under Section 28.025.

24 (b) This section applies beginning with the 2014-2015
25 school year.

26 SECTION 52. (a) Section 78.10(b), Education Code, is
27 amended to read as follows:

1 (b) The Texas Academy of Mathematics and Science is a
2 division of The University of Texas at Brownsville and is under the
3 management and control of the board. The academy serves the
4 following purposes:

5 (1) to provide academically gifted and highly
6 motivated junior and senior high school students with a challenging
7 university-level curriculum that:

8 (A) allows students to complete high school
9 graduation requirements [~~, including requirements adopted under~~
10 ~~Section 28.025~~] for the foundation [advanced] high school program
11 and the distinguished level of achievement under the foundation
12 high school program and earn appropriate endorsements as provided
13 by Section 28.025, while attending for academic credit a public
14 institution of higher education;

15 (B) fosters students' knowledge of real-world
16 mathematics and science issues and applications and teaches
17 students to apply critical thinking and problem-solving skills to
18 those issues and problems;

19 (C) includes the study of English, foreign
20 languages, social studies, mathematics, science, and technology;
21 and

22 (D) offers students learning opportunities
23 related to mathematics and science through in-depth research and
24 field-based studies;

25 (2) to provide students with an awareness of
26 mathematics and science careers and professional development
27 opportunities through seminars, workshops, collaboration with

1 postsecondary and university students including opportunities for
2 summer studies, internships in foreign countries, and similar
3 methods; and

4 (3) to provide students with social development
5 activities that enrich the academic curriculum and student life,
6 including, as determined appropriate by the academy, University
7 Interscholastic League activities and other extracurricular
8 activities.

9 (b) This section applies beginning with the 2014-2015
10 school year.

11 SECTION 53. (a) Section 87.505(b), Education Code, is
12 amended to read as follows:

13 (b) The Texas Academy of International Studies is a division
14 of Texas A&M International University and is under the management
15 and control of the board. The academy serves the following
16 purposes:

17 (1) to provide academically gifted and highly
18 motivated junior and senior high school students with a challenging
19 university-level curriculum that:

20 (A) allows students to complete high school
21 graduation requirements [~~including requirements adopted under~~
22 ~~Section 28.025~~] for the foundation [~~advanced~~]
23 and the distinguished level of achievement under the foundation
24 high school program and earn appropriate endorsements as provided
25 by Section 28.025, while attending for academic credit a public
26 institution of higher education;

27 (B) fosters students' knowledge of real-world

1 international issues and problems and teaches students to apply
2 critical thinking and problem-solving skills to those issues and
3 problems;

4 (C) includes the study of English, foreign
5 languages, social studies, anthropology, and sociology;

6 (D) is presented through an interdisciplinary
7 approach that introduces and develops issues, especially issues
8 related to international concerns, throughout the curriculum; and

9 (E) offers students learning opportunities
10 related to international issues through in-depth research and
11 field-based studies;

12 (2) to provide students with an awareness of
13 international career and professional development opportunities
14 through seminars, workshops, collaboration with postsecondary
15 students from other countries, summer academic international
16 studies internships in foreign countries, and similar methods; and

17 (3) to provide students with social development
18 activities that enrich the academic curriculum and student life,
19 including, as determined appropriate by the academy, University
20 Interscholastic League activities and other extracurricular
21 activities generally offered by public high schools.

22 (b) This section applies beginning with the 2014-2015
23 school year.

24 SECTION 54. (a) Effective September 1, 2013, the following
25 provisions of the Education Code are repealed:

26 (1) Sections 39.025(a-2) and (a-3);

27 (2) Section 39.0822; and

1 (3) Sections 39.0823(b) and (c).

2 (b) Effective September 1, 2014, the following provisions
3 of the Education Code are repealed:

4 (1) Section 28.002(q); and

5 (2) Sections 28.025(b-6), (b-8), and (g).

6 SECTION 55. (a) Except as provided by Subsection (b) of
7 this section, Section 39.025, Education Code, as amended by
8 Sections 21 and 22 of this Act, as related to reducing end-of-course
9 testing requirements, applies only to students who have entered or
10 will enter the ninth grade during the 2011-2012 school year or a
11 later school year.

12 (b) Students who have entered the ninth grade during or
13 after the 2011-2012 school year and before the 2014-2015 school
14 year and who choose to complete the curriculum requirements under
15 the minimum high school program may be administered only those
16 end-of-course assessment instruments that would have been
17 administered to those students under Section 39.025, Education
18 Code, as amended by Section 21 of this Act, and Section 39.025,
19 Education Code, as amended by Section 21 of this Act, is continued
20 in effect for purposes of satisfying those end-of-course testing
21 requirements.

22 SECTION 56. Except as otherwise provided by this Act, this
23 Act takes effect immediately if it receives a vote of two-thirds of
24 all the members elected to each house, as provided by Section 39,
25 Article III, Texas Constitution. If this Act does not receive the
26 vote necessary for immediate effect, this Act takes effect
27 September 1, 2013.